



NOTICE OF PROPOSED RULE ADOPTION
STATE OF MISSISSIPPI
MISSISSIPPI PUBLIC SERVICE COMMISSION

Mississippi Public Service Commission
c/o Brian U. Ray
P.O. Box 1174
Jackson, MS 39215-1174
601-961-5434

Reference to Rules repealed, amended or suspended by the
Proposed Rule

Rule 28 Sections 100.2, 100.4, 100.5, 100.6(c), 100.6(d),
100.11, 100.12(b), 100.13(c), 100.13(e), 100.14, 100.15 and
Section 102.1

Specific Legal Authority Authorizing the
promulgation of Rule:

Miss. Code Ann. §§ 77-3-701 et seq.

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:

To support the Mississippi Telephone Solicitation Act

This rule is proposed as a ☒ Final Rule, and/or a ☐ Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

☒ An oral proceeding is scheduled on this rule on Date: September 9, 2008 Time: 10:00 am
Place: First Floor, Woolfolk State Office Building, Suite 112, 501 N. West St., Jackson, MS 39201

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least 30 day(s) prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

☐ An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

☒ The agency has determined that an economic impact statement is not required for this rule, or
☐ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: July 1, 2008

Proposed Effective Date of Rule: Upon Issuance of Order

V. Lynn Careisee General Counsel
Signature and Title of Person Submitting Rule for Filing

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSISSIPPI**

2008-AD-238

MISSISSIPPI PUBLIC SERVICE COMMISSION

**IN RE: PROPOSAL OF THE MISSISSIPPI PUBLIC SERVICE COMMISSION
 TO AMEND THEIR RULES IMPLEMENTING THE MISSISSIPPI
 TELEPHONE SOLICITATION ACT**

NOTICE ESTABLISHING RULE-MAKING


TAKE NOTICE that on the 9th day of September, 2008, at 10:00 am the Mississippi Public Service Commission will hold a hearing on the First Floor of the Woolfolk State Office Building, Suite 112, 501 N. West Street, Jackson, MS 39201 regarding its Order Establishing Rule-Making Docket, 2008-AD-238, pursuant to Miss. Code Ann. §77-3-45 (Revised 2000) and the Mississippi Administrative Procedures Act ("APA") as found in Miss. Code Ann. §§25-43-1.101 *et seq.* (Revised 2006). The Order requires all persons and parties desiring to participate in the hearing to file written comments or testimony on or before August 5, 2008, at the above address.

A copy of the existing rules and a copy of the rules with the proposed changes, redlined as per the APA guidelines, and this Notice have been mailed to all affected utilities by way of U.S. Mail, postage prepaid, along with the aforementioned Order and will be served on the Secretary of State as provided in Miss. Code Ann. §77-3-45. The Notice of the Proposed Rule-Making will be published in the *Clarion Ledger*, the newspaper with state-wide circulation. The adopted rule will follow the uniform numbering system prescribed by the Secretary of State. All proposed changes are under Rule 28, and in compliance with Miss. Code Ann. §25-43-3.103 and §77-3-45, the Commission sets forth the following terms and substance of the rule changes with reference to the sections being amended:

- (1) Section 100.2 Prohibits distribution of the No-Call List
- (2) Section 100.4 Allows a telephone solicitor to have two contracted companies to engage in telemarketing activities under one registration fee. The same section imposes a five hundred dollars (\$500.00) fee for each subsequent contracted company.
- (3) Section 100.5 Requires telephone solicitors to identify contracted companies making telemarketing calls on their behalf.
- (4) Section 100.6(c) Imposes a requirement that all telemarketers submit a list of numbers to be utilized for outgoing telemarketing calls.
- (5) Section 100.6(d) Reinforces the prohibition against blocking caller identification by mandating that every telemarketer execute an affidavit to this effect.
- (6) Section 100.11 Reduces the waiting period in which consumer registration becomes effective.
- (7) Section 100.12(b) Updates the No-Call Registration List.
- (8) Section 100.13(c) Prohibits calls on legal holidays.
- (9) Section 100.13(e) Creates liability for telemarketers and contracted companies for violations of these rules.
- (10) Section 100.14 Requires the contracted companies to maintain a call log

- (11) Section 100.15 Changes the labels ILECS and CLECS to telecommunications companies certificated to provide telecommunications service in the State of Mississippi.
- (12) Section 102.1 Removes the requirement that complaint forms must be in writing.

WITNESS MY HAND AND THE OFFICIAL SEAL of the Mississippi Public Service Commission, on this the 1st day of July, 2008.


Brian U. Ray, Executive Secretary

